# **Index**

# ADMINISTRATIVE CALCULATION OF CHILD SUPPORT

Administrative calculation, § 4-FLA:192 to 4-FLA:194, APP 8-FLA-A Administrative recalculation, § 4-

FLA:195 to 4-FLA:197, APP 8-FLA-A

# APPLICATION TO COURT

See (this index) also PRACTICE

Action or application, § 1-FLA:32

All proceedings in one court, § 1-FLA:32, § 1-FLA:36

Equalization, § 2-FLA:190, § 2-FLA:196, § 2-FLA:198

Party to make statement re: removal of barriers to remarriage, § 1-FLA:32, § 1-FLA:37

Stay to allow other application, § 1-FLA:35, § 1-FLA:35

Timing of application under, § 2-FLA:213, § 2-FLA:222

## ARBITRATION

Contracting out, § 5-FLA:114 enforceability, § 5-FLA:118, § 5-FLA:120, § 5-FLA:121

family arbitrations governed by Family Law Act, § 5-FLA:112

no agreement in advance of dispute, § 5-FLA:115

other third-party decision-making processes, § 5-FLA:113 pensions, § 5-FLA:116

secondary arbitration, § 5-FLA:119

# **BANKRUPTCY**

Equalization of net family property, and, § 2-FLA:168

Spouse, net family property, and, § 2-FLA:126

## **CHILD**

See (this index) also CHILD SUPPORT; CHILD SUPPORT GUIDELINES

Action against parent, § 7-FLA:4 Definition, § 1-FLA:5, § 1-FLA:8

# CHILD-Cont'd

Domestic contracts, and, see (this index)
DOMESTIC CONTRACTS

Domicile, § 7-FLA:8

Settled intention to treat as child, § 1-FLA:5, § 1-FLA:9 to 1-FLA:15

#### CHILD SUPPORT

Absconding debtor, arrest of, § 4-FLA:207, § 4-FLA:209

Administrative calculation, § 4-FLA:192, § 4-FLA:194

Administrative recalculation, § 4-FLA:195

Arrears, § 4-FLA:182

Custody, and application for support, § 4-FLA:227

Employer, order for return by, § 4-FLA:204, § 4-FLA:206

Indefinite or limited period, § 4-FLA:120, § 4-FLA:127

Indexing of payments not permitted, § 4-FLA:120, § 4-FLA:147, § 4-FLA:186, § 4-FLA:188

Interim orders, § 4-FLA:120, § 4-FLA:124

Limitations Act, 2002, application, § 4-FLA:239

Obligation of parent, § 4-FLA:20, § 4-FLA:23

child enrolled in full-time education, § 4-FLA:32

disabled child, § 4-FLA:24

relationship between parent and child, § 4-FLA:35

Powers of court to make interim or final order, § 4-FLA:120, § 4-FLA:122, § 4-FLA:123

Priority over spousal support, § 4-FLA:119, § 4-FLA:186, § 4-FLA:189, § 4-FLA:191

Provisional orders, § 4-FLA:210, § 4-FLA:212

Purpose, § 4-FLA:39, § 4-FLA:51 Recipient, § 4-FLA:29

## CHILD SUPPORT—Cont'd

Retroactive orders, § 4-FLA:96 to 4-FLA:118, § 4-FLA:120, § 4-FLA:137, § 4-FLA:181

generally, § 4-FLA:117

availability, § 4-FLA:99

commencement date, § 4-FLA:109 discretion of court or Guideline

formulas, § 4-FLA:112

factors, § 4-FLA:101 to 4-FLA:118 circumstances of children, § 4-

FLA:104

conduct of parent, § 4-FLA:103

delay, § 4-FLA:102

hardship, § 4-FLA:105

other factors, § 4-FLA:106

federal vs. provincial principles, § 4-FLA:111

interim orders, § 4-FLA:116

jurisdiction under Divorce Act and provincial legislation, § 4-

FLA:110

meaning of, § 4-FLA:98

objectives, § 4-FLA:100

orders made, § 4-FLA:113

orders not made, § 4-FLA:114

s. 7 expenses, § 4-FLA:115

Settled intention, § 4-FLA:28

Special provisions, departing from Guidelines, § 4-FLA:159, § 4-

FLA:177

Variation

generally, § 4-FLA:173, § 4-FLA:174, § 4-FLA:182, § 4-FLA:184

appeals, and, § 4-FLA:183

interim orders, § 4-FLA:178

payment terms, § 4-FLA:180

Withdrawal from parental control, § 4-FLA:20, § 4-FLA:34

# CHILD SUPPORT GUIDELINES

Departing from Guidelines, § 4-FLA:17, § 4-FLA:159

## **COHABIT**

Definition, § 1-FLA:5, § 1-FLA:17 to 1-FLA:25, § 4-FLA:5

# **COHABITATION AGREEMENTS**

See (this index) also DOMESTIC CONTRACTS

Children, direction and moral education of, § 5-FLA:35

# COHABITATION AGREEMENTS

—Cont'd

Definition, § 5-FLA:5, § 5-FLA:5

Effect of agreement with partner on support claim from spouse/former spouse, § 5-FLA:37

Marriage, effect on, § 5-FLA:36

Ownership in or division of property, § 5-FLA:33

Parties, § 5-FLA:28, § 5-FLA:30

Refusal to enforce or setting aside, § 5-FLA:66 to 5-FLA:74

Support obligations, § 5-FLA:34

What may be covered, § 5-FLA:32, § 5-FLA:33, § 5-FLA:34

When provisions take effect, § 5-FLA:31

# CONDUCT, ORDER REGARDING

Generally, § 2-FLA:281

# CONFLICT OF LAWS

Generally, § 2-FLA:292, § 2-FLA:294, § 2-FLA:303

Foreign marriage contract, property in Ontario, § 2-FLA:301

Internal law, § 2-FLA:296

Last common habitual residence, § 2-FLA:298, § 2-FLA:299

No distinction between movables and immovables, § 2-FLA:297

Practice and procedure, § 2-FLA:302

Property outside Ontario, § 2-FLA:299 Shares in property outside Ontario, § 2-

FLA:300

# CONSTRUCTIVE TRUST

See (this index) also PROPERTY
Justification for, PREAMBLE, § 1-FLA:3

# **CONTEMPT ORDER**

Generally, § 4-FLA:234, § 4-FLA:236

#### **COURT**

Definition, § 1-FLA:5, § 2-FLA:3, § 3-FLA:6

Powers of court to make interim or final order, § 4-FLA:120, § 4-FLA:122, § 4-FLA:123

Powers on alienation of matrimonial home, § 3-FLA:68, § 3-FLA:70

Powers on application for entitlement to equalization, § 2-FLA:199, § 2-FLA:201

#### DEATH OF SPOUSE DEPENDANT—Cont'd Claim for damages—Cont'd Application to court, § 2-FLA:190, § 2housekeeping allowance, § 6-FLA:15 FLA:194 Constructive trust, application by or limitation periods against estate, § 2-FLA:255 generally, § 6-FLA:8 Distribution of estate amendment of claim after expiry, improper distribution, § 2-FLA:175 § 6-FLA:12 cause of action, when it arises, § 6notice of application, § 2-FLA:175 FLA:9 suspension of distribution on motion of surviving spouse, § 2-FLA:175 relevant limitation period, § 6-**FLA:10** timing of distribution, § 2-FLA:175 offer to settle, § 6-FLA:16 Election of surviving spouse pecuniary loss, § 6-FLA:13 deemed disclaimer, § 2-FLA:175 prejudice, onus of proving, § 6-FLA:11 election to take under, § 2-FLA:175, pre-natal injuries, § 7-FLA:6 § 2-FLA:176 retroactivity, § 6-FLA:4 failure to file election, § 2-FLA:175 form of election, § 2-FLA:175 right to sue in tort, § 6-FLA:1, § 6-FLA:3 gifts, § 2-FLA:175 who may claim, § 6-FLA:5 insurance policy, beneficiary under, Definition, § 4-FLA:1 § 2-FLA:175 Support orders, § 4-FLA:39 intestacy, § 2-FLA:175 partial intestacy, § 2-FLA:175 DOMESTIC CONTRACTS pension, § 2-FLA:175 Act subject to, § 1-FLA:32, § 1-FLA:42 property by right of survivorship, § 2-Application of Act to existing contracts FLA:175 generally, § 5-FLA:128, § 5-FLA:131 Priority of entitlement, § 2-FLA:175 contract excluding property made before March 1, 1986, § 8-FLA:3, **DEBTS, NET FAMILY PROPERTY,** AND § 8-FLA:5 Close relatives, to, § 2-FLA:36 transfer of property before March 31, 1978, § **5-FLA:128,** § **5-FLA:133** Contingent liabilities, § 2-FLA:36 Chastity clauses, § 5-FLA:61, § 5-Death, incurred on, § 2-FLA:36 **FLA:65** Directly related to acquisition or improve-Child ment of matrimonial home, § 2best interests of, contract subject to, **FLA:36** § 5-FLA:61 Inter-spousal, § 2-FLA:36 Child Support Guidelines, and, § 5-Spouse's debts and liabilities, and, § 2-FLA:61, § 5-FLA:64 **FLA:36** Cohabitation agreements **DEPENDANT** children, direction and moral education Claim for damages of, § 5-FLA:35 apportionment of damages, § 6-FLA:1, definition, § 5-FLA:3, § 5-FLA:5 § 6-FLA:16 effect of agreement with partner on assessment of damages, insurance paysupport claim from spouse/former ment and, § 6-FLA:18 spouse, § 5-FLA:37 damages recoverable, § 6-FLA:1 marriage, effect on, § 5-FLA:36 derivative nature of claim, § 6-FLA:6 ownership in or division of property, distribution postponed for minors, § 6-§ 5-FLA:33 **FLA:16** parties, § 5-FLA:28, § 5-FLA:30 fault or neglect, § 6-FLA:7 refusal to enforce, § 5-FLA:66 to guidance, care and companionship, loss 5-FLA:74 of, § 6-FLA:14 setting aside, § 5-FLA:66 to 5-FLA:74

# DOMESTIC CONTRACTS—Cont'd Cohabitation agreements—Cont'd support obligations, § 5-FLA:34 what may be covered, § 5-FLA:32, § 5-FLA:33, § 5-FLA:34 when provisions take effect, § 5-**FLA:31** Definition, § 1-FLA:5, § 1-FLA:17 to 1-FLA:25, § 5-FLA:3, § 5-FLA:5 Dum casta clauses, § 5-FLA:61, § 5-**FLA:65** Filing with court, § 4-FLA:152, § 4-FLA:154, § 4-FLA:155 Form of contract capacity of minor, § 5-FLA:50, § 5-**FLA:59** enforceable contracts outside definition of domestic contracts, § 5-FLA:56 formal requirements, § 5-FLA:50, § 5-FLA:52 guardian of property, § 5-FLA:50, § 5-**FLA:60** Public Guardian and Trustee, powers of, § 5-FLA:50, § 5-FLA:60 release against spouse's estate, § 5-**FLA:58** termination, § 5-FLA:57 Gifts, rights of donors, § 5-FLA:103 Incorporated in order under Act, § 1-FLA:32, § 1-FLA:41 Made outside Ontario, § 5-FLA:106 Marriage contracts "any other matter in the settlement of the parties' affairs," § 5-FLA:7, § 5-FLA:14 children custody and access excluded, § 5-FLA:7, § 5-FLA:13 education and moral training, § 5-FLA:7, § 5-FLA:13 definition, § 5-FLA:3, § 5-FLA:5 matrimonial home, § 5-FLA:7, § 5-FLA:15, § 5-FLA:27 ownership in or division of property, § 5-FLA:7, § 5-FLA:11 to 5-FLA:20 parties, § 5-FLA:7, § 5-FLA:10 setting aside, § 5-FLA:25 support obligations, § 5-FLA:7, § 5-

```
DOMESTIC CONTRACTS—Cont'd
  Paternity agreements
    absconding respondent, § 5-FLA:109
    Child Support Guidelines, and, § 5-
         FLA:109
    definition, § 1-FLA:5, § 5-FLA:3
    incorporation into order, § 5-FLA:109
    minor, capacity of, § 5-FLA:109
    retrospective application. § 5-FLA:109
  Pensions
    division of, generally, § 5-FLA:101,
         § 5-FLA:102
    family law valuation date, definition,
         § 5-FLA:101
  Separation agreements
    generally, § 5-FLA:39
    compared to marriage and cohabitation
         agreements, § 5-FLA:41
    defence, as, § 5-FLA:45
    jurisdiction and procedure, § 5-FLA:47
    parties, § 5-FLA:42
    reconciliation, effect on agreement,
         § 5-FLA:46
    what constitutes, § 5-FLA:43, § 5-
         FLA:44, § 5-FLA:52
  Setting aside
    ambiguity and uncertainty, § 5-
         FLA:61, § 5-FLA:75 to
         5-FLA:99
    barriers to remarriage, § 5-FLA:61
    criteria, generally, § 5-FLA:61, § 5-
         FLA:66 to 5-FLA:74
    default, § 4-FLA:39, § 4-FLA:49
    duress, § 5-FLA:61, § 5-FLA:75 to
         5-FLA:99
    failure to disclose financial circum-
         stances, § 5-FLA:61, § 5-FLA:68
    failure to understand nature and conse-
         quences of contract, § 5-FLA:61,
         § 5-FLA:72
    fraud, § 5-FLA:61, § 5-FLA:75 to
         5-FLA:99
    lack of consideration, § 5-FLA:61,
         § 5-FLA:75 to 5-FLA:99
    misrepresentation, § 5-FLA:61, § 5-
         FLA:75 to 5-FLA:99
    mistake, § 5-FLA:61, § 5-FLA:75 to
         5-FLA:99
```

non est factum, § 5-FLA:61, § 5-

FLA:75 to 5-FLA:99

**FLA:12** 

termination, § 5-FLA:25

#### DOMESTIC CONTRACTS—Cont'd

Setting aside—Cont'd

"otherwise in accordance with the law of contract," § 5-FLA:61, § 5-FLA:75 to 5-FLA:99

public funds, spouse qualifying for, § 4-FLA:39, § 4-FLA:48

support provisions or waiver of right to support in, § 4-FLA:39, § 4-FLA:45 to 4-FLA:52

unconscionable circumstances, § 4-FLA:39, § 4-FLA:47, § 5-FLA:61, § 5-FLA:75 to 5-FLA:99

undue influence, § 5-FLA:61, § 5-FLA:75 to 5-FLA:99

Variation, § 4-FLA:176

# DUM CASTA CLAUSES

Generally, § 5-FLA:61, § 5-FLA:65

# ELECTION OF SURVIVING SPOUSE

See (this index) DEATH OF SPOUSE

# EQUALIZATION OF NET FAMILY PROPERTY

Advance on equalization, § 2-FLA:163 Appeals, § 2-FLA:174

Application of Part I, § 2-FLA:305

Application to court, § 2-FLA:190, § 2-FLA:192, § 2-FLA:193

Bankruptcy and, § 2-FLA:168

Calculation, § 2-FLA:127, § 2-FLA:138, 2-FLA:139

Court, powers of

delayed payments, § 2-FLA:199, § 2-FLA:206

financial information to be provided, § 2-FLA:199

inspection of property ordered, § 2-FLA:199

installment payments ordered, § 2-FLA:199, § 2-FLA:206

property to be transferred, partitioned or sold, § 2-FLA:199, § 2-FLA:209, § 2-FLA:210

security to be given, § 2-FLA:199, § 2-FLA:205

spouse to make payment, § 2-FLA:199, § 2-FLA:204 vary order, § 2-FLA:199

Death, on, § 2-FLA:127, § 2-FLA:165 Entitlement, § 2-FLA:130 to 2-FLA:164

# EQUALIZATION OF NET FAMILY PROPERTY—Cont'd

Improvident depletion, § 2-FLA:127, § 2-FLA:167, § 2-FLA:232

Interest

post-judgment, § 2-FLA:173 pre-judgment, § 2-FLA:170

Interim disbursements, § 2-FLA:212

Limitation period, application to court reentitlement, § 2-FLA:190, § 2-FLA:195

No further application, § 2-FLA:127 Orderly and equitable settlement of spouse's affairs, PREAMBLE, § 1-FLA:4

Purpose of section 5, § 2-FLA:127, § 2-FLA:169

Separation, meaning of, § 2-FLA:135 to 2-FLA:137

Third party claims, § 2-FLA:164 Unequal division, § 2-FLA:127, § 2-FLA:140 to 2-FLA:164

# **FAMILY ARBITRATION**

Definition, § 5-FLA:5
Family arbitration agreement definition, § 5-FLA:3, § 5-FLA:5

Governed by Family Law Act, § 5-FLA:112

# FAMILY LAW ACT, APPLICATION

Marriage contract made before March 1, 1986, § 8-FLA:3, § 8-FLA:5

Part II (matrimonial home), § 3-FLA:124, § 3-FLA:126, § 8-FLA:3, § 8-FLA:7

Separation agreement made before March 1, 1986, § 8-FLA:3, § 8-FLA:5

# FARM OR BUSINESS OPERATION

Orders under ss. 9 and 10 not to require sale or impair operation, § 2-FLA:267

Ownership, § 2-FLA:231

Payment of share of profits or transfer of shares, § 2-FLA:267, § 2-FLA:269

## FINANCIAL STATEMENT

Equalization, required for, § 2-FLA:196, § 2-FLA:198

Spousal support, § 4-FLA:201, § 4-FLA:203

#### LIMITATION PERIOD

Entitlement to equalization, § 2-FLA:190, § 2-FLA:195

Extension of time

generally, § 1-FLA:32, § 1-FLA:39 death, § 1-FLA:32, § 1-FLA:40

Limitations Act, 2002, application to support, § 4-FLA:39, § 4-FLA:239

Support for dependant, § 4-FLA:39

## MARRIAGE CONTRACTS

See (this index) also DOMESTIC CONTRACTS

"Any other matter in the settlement of the parties' affairs," § 5-FLA:7, § 5-FLA:14

Children

custody and access excluded, § 5-FLA:7, § 5-FLA:13

education and moral training, § 5-FLA:7, § 5-FLA:13

Contract excluding property made before March 1, 1986, § 8-FLA:3, § 8-FLA:5

Definition, § 5-FLA:5, § 5-FLA:5 Matrimonial home, § 5-FLA:7, § 5-FLA:15, § 5-FLA:27

Ownership in or division of property, § 5-FLA:11 to 5-FLA:20

Parties, § 5-FLA:7, § 5-FLA:10

Setting aside, § 5-FLA:25

Support obligations, § 5-FLA:7, § 5-FLA:12

Termination, § 5-FLA:25

## **MATRIMONIAL HOME**

Alienation

generally, § 3-FLA:49, § 3-FLA:51, § 3-FLA:52

powers of court

generally, § 3-FLA:68, § 3-FLA:70

bankruptcy, § 3-FLA:80

jointly held property, § 3-FLA:71

"other comparable accommodation," § 3-FLA:76

setting aside transaction, § 3-FLA:77

who may apply, § 3-FLA:72 withholding consent, § 3-FLA:75 protection of rights, proceeds held in

trust, § 3-FLA:60

# MATRIMONIAL HOME—Cont'd

Alienation—Cont'd

setting aside transaction, § 3-FLA:49, § 3-FLA:57

Application of Part II, § 3-FLA:124, § 3-FLA:126

Conduct, order regarding, § 3-FLA:117, § 3-FLA:118

Contents of home, § 3-FLA:113

Definition, § 2-FLA:3, § 2-FLA:8, § 3-FLA:10 to 3-FLA:11

Designation, § 3-FLA:46

Family residence, occupied as, § 3-FLA:12 to 3-FLA:25

Joint tenancy with third party, § 3-FLA:119, § 3-FLA:121

Marriage contract, and, see (this index)
MARRIAGE CONTRACTS

Married parties in residence, § 3-FLA:11 Multiple homes, § 3-FLA:26 to 3-FLA:32

Occupation rent

generally, § 3-FLA:92

factors governing award, § 3-FLA:95

granted, § 3-FLA:96

not granted, § 3-FLA:104

prerequisites for order, § 3-FLA:93, § 3-FLA:94

Order for possession, § 3-FLA:82, § 3-FLA:84

exclusive possession, generally, § 3-FLA:91

exclusive possession, criteria, § 3-FLA:85

interim and temporary orders, § 3-FLA:90

matters authorized under, § 3-FLA:82, § 4-FLA:120, § 4-FLA:135

occupation rent, § 3-FLA:92

orders granted, § 3-FLA:86

orders refused, § 3-FLA:88

variation of order, § 3-FLA:114, § 3-FLA:116

"Ordinarily occupied by both spouses," § 3-FLA:37

Possession

generally, § 3-FLA:40

equal right of, § 3-FLA:38, § 3-FLA:40

nature of right, § 3-FLA:43

# MATRIMONIAL HOME—Cont'd Possession—Cont'd only one spouse has interest. § 3-**FLA:38** termination of rights, § 3-FLA:41 Property definition, § 3-FLA:4, § 3-FLA:6 Property in which person has interest, § 3-FLA:34 Redemption, right of generally, § 3-FLA:64, § 3-FLA:66 notice required, § 3-FLA:64, § 3-**FLA:67** Registration of order, § 3-FLA:122 Second home as, § 3-FLA:33 **MEDIATOR** Appointment, § 1-FLA:49 Fees and expenses, § 1-FLA:49 Report filing, **§ 1-FLA:49** full report, § 1-FLA:49 limited report, § 1-FLA:49 nature of, § 1-FLA:49 Role, § 1-FLA:49 NET FAMILY PROPERTY See (this index) also EQUALIZATION OF NET FAMILY PROPERTY "All the property owned by a spouse," § 2-FLA:28 Bankrupt spouse, § 2-FLA:126 Contingent liabilities, § 2-FLA:36 Costs of disposition, § 2-FLA:29, § 2-**FLA:36**

Debts and liabilities of spouse, § 2-

Debts incurred on death, § 2-FLA:36

Debts to close relatives, § 2-FLA:36

Definition, § 2-FLA:11

Excluded property, § 2-FLA:3, § 2-FLA:109 to 2-FLA:124

damages or other compensation, § 2-

gifts and inheritances, § 2-FLA:3

Equalization of, see (this index)

Debts related to acquisition or improve-

ment of matrimonial home, § 2-

**EQUALIZATION OF NET FAMILY** 

**FLA:36** 

**FLA:36** 

**PROPERTY** 

FLA:3

# FLA:109 to 2-FLA:124—Cont'd income from gifts or inheritances, § 2-FLA:3 life insurance proceeds, § 2-FLA:3 onus of proof, § 2-FLA:3 property excluded by domestic contract, § 2-FLA:3 traceable property, § 2-FLA:3 unadjusted pensionable earnings, § 2-FLA:3 Inter-spousal debts, § 2-FLA:36 Negative family property, § 2-FLA:3, § 2-FLA:125 Owned on date of marriage, § 2-FLA:38 Pensions, see (this index) PENSIONS AND BENEFITS Professional licences and degrees, 2-FLA:108 Severance package, § 2-FLA:38 Workers' Compensation claim, § 2-**FLA:38 PARENT** Action against child, § 7-FLA:4 Definition, § 1-FLA:5, § 1-FLA:26 Obligation of parent, child support, § 4-FLA:20, § 4-FLA:23 child enrolled in full-time education, § 4-FLA:20, § 4-FLA:32 disabled child, § 4-FLA:24 relationship between parent and child, § 4-FLA:35 PARENTAL SUPPORT Child's obligation, § 4-FLA:36, § 4-**FLA:38**

NET FAMILY PROPERTY—Cont'd

Excluded property, § 2-FLA:3, § 2-

# PATERNITY AGREEMENTS

Absconding respondent, § 5-FLA:109 Child Support Guidelines, and, § 5-FLA:109

Definition, § 1-FLA:5, § 5-FLA:3 Incorporation into order, § 5-FLA:109 Minor, capacity of, § 5-FLA:109 Retrospective application, § 5-FLA:109

## PENSIONS AND BENEFITS

See (this index) also VALUATION Application of s. 10.1 and valuation date, § 2-FLA:265 Arbitration agreement, and, § 5-FLA:116

# PENSIONS AND BENEFITS—Cont'd

Definitions, § 2-FLA:93-§ 2-FLA:95

Division of interest where payments made before valuation date, § 2-FLA:265

Domestic contracts, and, see (this index)
DOMESTIC CONTRACTS

Imputed value, calculation of, § 2-FLA:265, § 2-FLA:266

Lump sum transfer, immediate, § 2-FLA:265, § 2-FLA:266

Orders for support, designation of beneficiary, § 4-FLA:120, § 4-FLA:143

Orders made before s. 10.1 came into force, § 2-FLA:265

Pension Benefits Act, application of, § 2-FLA:265

Securing payments, order for support, § 4-FLA:120, § 4-FLA:144

Valuation

definitions, § 2-FLA:3, § 2-FLA:108 new regime, § 2-FLA:108

#### PRACTICE

Conflict of laws, § 2-FLA:302
Financial statement, § 2-FLA:196, § 2-FLA:198

Spousal support, § 4-FLA:19
Statement re: removal of barriers to remarriage, § 1-FLA:32, § 1-FLA:37

# **PRESUMPTIONS**

Application of, § 2-FLA:283, § 2-FLA:305

Joint bank accounts, § 2-FLA:288 Joint tenancy, § 2-FLA:287

Resulting trust

generally, § 2-FLA:285, § 2-FLA:285 trust found, § 2-FLA:289 trust not applicable, § 2-FLA:291 trust not found, § 2-FLA:290

# PROFESSIONAL LICENCES AND DEGREES

Property, as, § 2-FLA:108

# **PROPERTY**

Application of Part I, § 2-FLA:305 Conflict of laws, § 2-FLA:292 generally, § 2-FLA:294, § 2-FLA:303 foreign marriage contract, property in Ontario, § 2-FLA:301 internal law, § 2-FLA:296

## PROPERTY—Cont'd

Conflict of laws, § 2-FLA:292—Cont'd last common habitual residence, § 2-FLA:298, § 2-FLA:299

no distinction between movables and immovables, § 2-FLA:297 practice and procedure, § 2-FLA:302 property outside Ontario, § 2-FLA:299 shares in property outside Ontario, § 2-FLA:300

Definition, § 2-FLA:3, § 2-FLA:92, § 3-FLA:4, § 3-FLA:6

Family Law Act, 1986, **§ 2-FLA:7**Farm or business operation, see (this index) FARM OR BUSINESS OPERATION

On title in capacity of a trustee, § 3-FLA:14.50

Orderly and equitable settlement of spouse's affairs, PREAMBLE, § 1-FLA:4

Ownership

determination of, § 2-FLA:213, § 2-FLA:215, § 2-FLA:221

estate, application for determination of, by or for, § 2-FLA:213

farm or business operation, § 2-FLA:231

interim or final orders restraining depletion, § 2-FLA:232

relief discretionary, § 2-FLA:220

resulting trust, presumption where no marriage, § 2-FLA:233, § 2-FLA:261 to 2-FLA:264

subject matter of application, § 2-FLA:223

timing of application, § 2-FLA:222 types of orders, § 2-FLA:224 to 2-FLA:229

compensation, § 2-FLA:225 declarations, § 2-FLA:224

orders denied, § 2-FLA:229

other orders, § 2-FLA:228

partition or sale, § 2-FLA:226

unjust enrichment, § 2-FLA:234 to 2-FLA:241

case law, § 2-FLA:235, § 2-FLA:241

constructive trust, § 2-FLA:251 to 2-FLA:260

elements of claim, § 2-FLA:237

# PROPERTY—Cont'd Ownership—Cont'd uniust enrichment. § 2-FLA:234 to 2-FLA:241—Cont'd legal framework, § 2-FLA:236 monetary award, joint family venture, § 2-FLA:242 to 2-FLA:250 remedy, determining appropriate, § 2-FLA:240 who may apply, § 2-FLA:216 former spouse, § 2-FLA:218 spouse, § 2-FLA:217 surviving spouse, § 2-FLA:219 Pensions, see (this index) PENSIONS AND BENEFITS Preservation of spouse's interest, order for, § 2-FLA:270, § 2-FLA:272 generally, § 2-FLA:277 jurisdiction, § 2-FLA:274 no order made, § 2-FLA:278 order denied, § 2-FLA:276 order granted, § 2-FLA:275 Statement of property, § 2-FLA:196, § 2-FLA:198 Transfer, trust, vesting, in application under, § 4-FLA:39, § 4-FLA:120, § 4-FLA:132 Valuation, § 2-FLA:230 REGULATIONS Generally, § 8-FLA:1 REMARRIAGE Dismissal for failure to comply with, § 1-FLA:32, § 1-FLA:38 Statements re: removal of barriers to, § 1-FLA:32, § 1-FLA:37 Generally, § 4-FLA:215, § 4-FLA:217

# Dismissal for failure to comply with, § 1-FLA:32, § 1-FLA:38 Statements re: removal of barriers to, § 1-FLA:32, § 1-FLA:37 RESTRAINING ORDER Generally, § 4-FLA:215, § 4-FLA:217 RESULTING TRUST See (this index) also PROPERTY Generally, § 2-FLA:283, § 2-FLA:285 Joint bank accounts, § 2-FLA:288 Joint tenancy, § 2-FLA:287 Presumption where no marriage, § 2-FLA:233, § 2-FLA:261 to 2-FLA:264 Trust found, § 2-FLA:289 Trust not applicable, § 2-FLA:291 Trust not found, § 2-FLA:290

# RETROACTIVE ORDERS See (this index) CHILD SUPPORT, SPOUSAL SUPPORT SECURITY, VARIATION AND REALIZATION OF Generally, § 2-FLA:279 **SEPARATION** Meaning, § 2-FLA:135 to 2-FLA:137 SEPARATION AGREEMENTS See (this index) also DOMESTIC **CONTRACTS** Generally, § 5-FLA:39 Compared to marriage and cohabitation agreements, § 5-FLA:41 Contract excluding property made before March 1, 1986, § 8-FLA:3, § 8-FLA:5 Defence, as, § 5-FLA:45 Jurisdiction and procedure, § 5-FLA:47 Parties, § 5-FLA:42 Reconciliation, effect on agreement, § 5-**FLA:46** What constitutes, § 5-FLA:43, § 5-FLA:44, § 5-FLA:52 SETTLED INTENTION TO TREAT AS CHILD OF FAMILY Generally, § 1-FLA:5, § 1-FLA:16 SPOUSAL SUPPORT Generally, § 4-FLA:18, § 4-FLA:67 Ability to pay, § 4-FLA:13, § 4-FLA:39, § 4-FLA:56 Absconding debtor, arrest of, § 4-FLA:207, § 4-FLA:209 Amount, determination, § 4-FLA:39, § 4-FLA:53 to 4-FLA:68 Appeals, § 4-FLA:150 Assets/means of dependant/respondent, § 4-FLA:39, § 4-FLA:54 Causal connection test, § 4-FLA:17 Cohabitation, length of, § 4-FLA:39, § 4-**FLA:60** Compensatory support, § 4-FLA:15 Conduct, unconscionable, § 4-FLA:39, § 4-FLA:64 Contribution to realization of career

potential, § 4-FLA:39, § 4-FLA:59

Defence of delay, § 4-FLA:16

Duration, § 4-FLA:63

# SPOUSAL SUPPORT—Cont'd Effect of divorce proceeding §

Effect of divorce proceeding, § 4-FLA:156, § 4-FLA:158

Employer, order for return by, § 4-FLA:204, § 4-FLA:206

Estate bound by order, § 4-FLA:120, § 4-FLA:146

Financial statement, § 4-FLA:201, § 4-FLA:203

Indefinite or limited period, § 4-FLA:120, § 4-FLA:127

Indexing of payments, § 4-FLA:120, § 4-FLA:147, § 4-FLA:148, § 4-FLA:186, § 4-FLA:188

Interim disbursements, § 4-FLA:120, § 4-FLA:124

Interim orders, § 4-FLA:120, § 4-FLA:124

Life insurance policy, designation of beneficiary, § 4-FLA:120, § 4-FLA:140, § 4-FLA:142

Limitation on orders, § 4-FLA:120, § 4-FLA:145

Limitations Act, 2002, application, § 4-FLA:239

Married persons, § **4-FLA:4**Matters authorized under s. 24, § **4-**

FLA:120, § 4-FLA:135

Money payable into court or to another person, § 4-FLA:120, § 4-FLA:136

Need for support, § 4-FLA:14

Not parents of child, § 4-FLA:6

Obligation to support, § 4-FLA:10

Other legal right to support, § 4-FLA:39, § 4-FLA:62

Other orders, § 4-FLA:149

Parents of child, § 4-FLA:9

Pension plan, § 4-FLA:120, § 4-FLA:143, § 4-FLA:144

Periodic or lump sum awards, § 4-FLA:120, § 4-FLA:128

Pledging credit for necessities, § 4-FLA:213

Powers of court to make interim or final order, § 4-FLA:120, § 4-FLA:122, § 4-FLA:123

Practice and procedure, § 4-FLA:19, § 4-FLA:151

Prenatal care and birth expenses, § 4-FLA:120, § 4-FLA:141

Priority of child support over, § 4-FLA:119, § 4-FLA:186

#### SPOUSAL SUPPORT—Cont'd

Property, transfer, trust, vesting, § 4-FLA:120, § 4-FLA:132

Provisional orders, § 4-FLA:210, § 4-FLA:212

Purpose, § 4-FLA:39, § 4-FLA:52

Responsibilities assumed during cohabitation, effect on earning capacity, § 4-FLA:39, § 4-FLA:61

Restraining order, depletion of property, § 4-FLA:198, § 4-FLA:200

Retroactive orders, § 4-FLA:96 to 4-FLA:118, § 4-FLA:120, § 4-FLA:137, § 4-FLA:172

Self-support, § 4-FLA:12, § 4-FLA:39, § 4-FLA:55

Standard of living, § 4-FLA:39, § 4-FLA:57

Threshold entitlement, § 4-FLA:3

Unmarried persons, § 4-FLA:5

Variation

generally, § 4-FLA:159, § 4-FLA:161, § 4-FLA:170

agreements/settlements, § 4-FLA:167

appeals, and, § 4-FLA:183

applicants, § 4-FLA:163

arrears, § 4-FLA:171

evidence not available on previous hearing, § 4-FLA:168

interim orders, § 4-FLA:169

jurisdiction and procedure, § 4-FLA:162

material change in circumstances, § 4-FLA:164

time-limited orders, § 4-FLA:179

## **SPOUSE**

Application to determine ownership of property, § 2-FLA:213

Bankrupt, net family property, and, § 2-FLA:126

Debts and liabilities of, § 2-FLA:36

Definition, § 1-FLA:5, § 1-FLA:27, § 4-FLA:1, § 4-FLA:3, § 4-FLA:4, § 4-FLA:5

Equal status of, PREAMBLE, § 1-FLA:3

# STAY OF PROCEEDINGS

See (this index) APPLICATION TO COURT

#### **SUPPORT**

See (this index) also CHILD SUPPORT, CHILD SUPPORT GUIDELINES, PARENTAL SUPPORT, SPOUSAL SUPPORT

Contempt order, § 4-FLA:234, § 4-FLA:236

Effect of divorce proceeding, § 4-FLA:156, § 4-FLA:158

Orders

generally, § 4-FLA:39, § 4-FLA:41 to 4-FLA:44

appeals, § 4-FLA:150, § 4-FLA:231, § 4-FLA:233

applicants, § 4-FLA:39, § 4-FLA:44 conduct, regarding, § 4-FLA:229 estate bound by order, § 4-FLA:120, § 4-FLA:146

indexing of payments, § 4-FLA:120, § 4-FLA:147, § 4-FLA:148

Limitations Act, 2002, application of, § 4-FLA:39, § 4-FLA:239

other orders, § 4-FLA:149

setting aside support provisions or waiver in domestic contracts, § 4-FLA:39, § 4-FLA:45 to 4-FLA:52

Powers of court to make interim or final order, § 4-FLA:120

Third parties, adding, § 4-FLA:39, § 4-FLA:50

Variation

generally, § 4-FLA:159, § 4-FLA:161, § 4-FLA:170

agreements/settlements, § 4-FLA:167 appeals and, § 4-FLA:183 applicants, § 4-FLA:163 arrears, § 4-FLA:171

evidence not available on previous hearing, § 4-FLA:168

interim orders, § 4-FLA:169 jurisdiction and procedure, § 4-

FLA:162
material change in circumstances, § 4-FLA:164

#### **TRUSTS**

Constructive trust, § 2-FLA:251 to 2-FLA:260

application by or against estate, § 2-FLA:255

#### TRUSTS—Cont'd

Constructive trust, § 2-FLA:251 to 2-FLA:260—Cont'd justification for, PREAMBLE, § 1-FLA:3

Resulting trust, presumption of generally, § 2-FLA:283, § 2-FLA:285 trust found, § 2-FLA:289 trust not applicable, § 2-FLA:291 trust not found, § 2-FLA:290

# UNEQUAL DIVISION OF PROPERTY

See (this index) also EQUALIZATION
OF NET FAMILY PROPERTY

Generally, § 2-FLA:127

# UNITY OF LEGAL PERSONALITY ABOLISHED

Generally, § 6-FLA:1

## **UNJUST ENRICHMENT**

Generally, § 2-FLA:234 to 2-FLA:241 Case law, § 2-FLA:235, § 2-FLA:241 Constructive trust, § 2-FLA:251 to 2-FLA:260

Elements of claim, § 2-FLA:237
Legal framework, § 2-FLA:236
Monetary award, joint family venture, § 2-FLA:242 to 2-FLA:250
Remedy, determining appropriate, § 2-

FLA:240

#### VALUATION

Applications under, § 2-FLA:213, § 2-FLA:230

Farm or operating business, § 2-FLA:231, § 2-FLA:267

Pensions

definitions, § 2-FLA:3, § 2-FLA:108 new regime, § 2-FLA:108

Professional licences and degrees, § 2-FLA:291

# VALUATION DATE

Death, on, § 2-FLA:14 Definition, § 2-FLA:3, § 2-FLA:92

# **VALUE**

Costs of disposition, § 2-FLA:29

Meaning, § 2-FLA:12

Negative, whether property owned at marriage can have, § 2-FLA:38

# Annotated Ontario Family Law Act

# WILLS

See (this index) DEATH OF SPOUSE